



Class I Redesignations

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What is the purpose of this presentation?

- Describe:
 - Class I redesignations
 - Applicable regulations
 - Requirements
 - Redesignations up to date
 - Dispute resolution process



What is a Class I redesignation?

- Reclassification of a PSD area from a Class II to a Class I designation
 - Area classifications information, 40 CFR 52.21(c)
- All Class II areas eligible for redesignation to Class I, except for mandatory Federal Class I areas
- Mandatory Federal Class I areas cannot be redesignated



What do the regulations say?

- Redesignations may be proposed by states or Indian Governing Bodies (IGB)
 - Subject to approval by the EPA Administrator
- Lands within the exterior boundaries of Indian Reservations may be redesignated only by the appropriate IGB
- Procedures for redesignation from Class II to Class I under 40 CFR 51.166(g) and 52.21(g)



What do the regulations say? (continued)

- Administrator shall disapprove a proposed redesignation (within 90 days) only if it does not meet the procedural requirements
 - process must include notice and opportunity for public hearing
 - IGB may resubmit the proposal after correcting the deficiencies noted by the Administrator



What are the Class I redesignation requirements?

1. Consult with the state(s) in which the Indian Reservation is located and which border(s) the Indian Reservation
2. Consult with local and other sub state general purpose governments in the area




What are the Class I redesignation requirements? (continued)

3. Notify entities that may be affected (other States, IGB and FLMs) at least 30 days before the public hearing
4. Prepare discussion of the reasons for redesignation and make available to the public at least 30 days before the hearing
 - Includes description and analysis of health, environmental, economic and energy effects




What are the Class I redesignation requirements? (continued)

5. Provide written notice to the appropriate FLM and allow adequate opportunity for FLM to confer with the IGB and submit written comments
6. Hold at least one public hearing (in accordance with 40 CFR 51.102)
7. Submit proposal to redesignate to the Administrator




Is there a process for resolving disputes among the parties involved in a redesignation?

- The Administrator may be requested to enter into negotiations with the affected parties to resolve dispute in cases where:
 - a state affected by the redesignation of an area by an Indian Tribe disagrees with that redesignation, or
 - an Indian Tribe affected by the redesignation of an area by a state disagrees with that redesignation



Is there a process for resolving disputes among the parties involved in a redesignation? (cont.)

- Upon request, the Administrator will make a recommendation to resolve the dispute
- If the two affected parties cannot reach agreement, the Administrator will resolve the dispute and the results will become part of an enforceable plan for the area



How many Class I redesignations have taken place to date?

- Five Indian Tribes have redesignated their lands to Class I:
 - Flathead Indian Reservation (MT)
 - Northern Cheyenne Indian Reservation (MT)
 - Fort Peck Indian Reservation (MT)
 - Spokane Indian Reservation (WA)
 - Forest County Potawatomi Community Reservation(WI)